

FILED

UNITED STATES COURT OF APPEALS

OCT 13 2005

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

V.

THOMAS SANDERS,

Defendant - Appellant.

No. 04-15382

D.C. Nos.

CV-99-01329-GEB-JFM

CR-96-00122-GEB-JFM

Eastern District of California
(Sacramento)

ORDER

Before: GOODWIN, WALLACE, and TROTT, Circuit Judges.

The panel has voted to grant the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for panel rehearing is granted and the petition for rehearing en banc is denied.

The Memorandum Disposition filed on December 8, 2004, is withdrawn and shall be replaced by a separately filed memorandum disposition.